



## Skagit County - Government Relations Report February 6, 2022

The first policy committee cutoff was Thursday, February 3. Monday, February 7 marks the second committee cutoff deadline, fiscal committee cutoff. With these deadlines passed, the House of Representatives and the State Senate will now spend a majority of their time on the floor voting on bills that passed out of committee. To remain under consideration this session, a bill needs to have been approved by a policy and/or fiscal committee, or otherwise be designated “necessary to implement the budget” (NTIB). NTIB bills are exempt from cutoff deadlines and will advance when budget proposals are released after the February 20 revenue forecast. The next deadline requires bills to be approved by the chamber of origin (House bills need to be approved by the House; Senate bills need to be approved by the Senate) by 5:00pm on February 15 to remain under consideration.

### Session Cutoff Calendar

February 3, 2022	Policy Committee Deadline
February 7, 2022	Fiscal Committee Deadline
February 15, 2022	Chamber-of-Origin Deadline
February 24, 2022	Opposite Chamber Policy Committee Deadline
February 28, 2022	Opposite Chamber Fiscal Committee Deadline
March 4, 2022	Opposite Chamber Deadline
March 10, 2022	Session adjourns - Sine Die

## Legislative Priorities

### Address Fish Passage Barriers – Culvert Design Funding Capital Budget Request

Skagit County is working with Rep. Debra Lekanoff (D- Bow) to request \$1 million in the 2022 capital budget for culvert design funding. This funding will allow Skagit County to bring a package of 11 culverts to full design, making the County more competitive to receive state and federal grant funding. Our budget proviso language has been received by Rep. Lekanoff and capital budget staff. Budgets are expected to be released shortly after the next revenue forecast. Meanwhile, we have been sending Rep. Lekanoff letters of support from County partners as we receive them.

### House Bill 1333 - .09 Sales Tax Credit for Economic Development

Skagit County supports [House Bill 1333](#), sponsored by Rep. Steve Tharinger (D- Dungeness), renewing the .09 rural county sales tax credit program for economic development until 2054. As reported last week, the bill was heard on Tuesday, February 1, at 8:00 a.m. in the Senate Housing and Local Government Committee. We signed the County in support of the bill at the hearing. Testimony was split between a panel of testifiers from WEDA, WSAC, Jefferson County Commissioner Kate Dean, and a representative from the Port of Skagit. You may [watch testimony here](#). The bill received positive reception at the hearing. There was a question to the committee whether affordable and supportive housing is currently an allowable use (in reference to [Senate Bill 5868](#), which is still advancing). The bill must advance out of the Housing and Local Government



Committee by February 24. We are asking Committee Chair Sen. Patty Kuderer (D- Bellevue) not to advance the bill out of committee until the coalition has time to develop amendments. Meanwhile, coalition members continue to meet with Senate members to secure support for the bill.

Ways and Means Chair Sen. Christine Rolfes (D- Bainbridge Island) requested that the coalition identify a way to make the total funding provided through the .09 program more obvious to legislators. Rep. Tharinger, Governor's office staff, and GTHGA are coordinating on a potential solution. Counties already prepare an annual report on expenditures to the State Auditor's Office; we are going to ask the SAO to provide these reports to the legislature annually. Rep. Tharinger has approved this strategy and has asked us to reach out to Sen. Kuderer to sponsor this amendment to the bill.

#### Department of Ecology - Remedial Action Grant Cleanup Deadline Fix

Skagit County supports solutions to ensure the County receives the \$5.41 million grant awarded in the 2021-23 budget through the Department of Ecology's Remedial Action Grant Program for the Whitmarsh Landfill brownfield cleanup. The Ports have introduced legislation addressing this issue: [Senate Bill 5895](#), sponsored by Sen. David Frockt (D- Seattle), which removes the permitting acquisition timeline for Remedial Action grant recipients. The bill was heard in the Senate Environment, Energy, and Technology Committee on Tuesday, February 1. The bill received strong testimony in support at the hearing, including testimony from the Department of Ecology. Rather than testifying, we sent a letter detailing the Whitmarsh Project and expressing Skagit County's support. This letter was distributed to Sen. Liz Lovelett (D- Anacortes), the Chair, and other committee members prior to the hearing. On February 2, the bill passed out of committee and was referred to Senate Rules to be pulled to the floor. The bill must move out of the Senate by February 15 to continue to be considered.

#### ***Other Items***

##### Transportation Revenue Package Outline Released Early Next Week

House and Senate Transportation Chairs, Rep. Jake Fey (D- Tacoma) and Sen. Marko Liias (D- Lynnwood), and their negotiating teams are finalizing a funding and spending plan for a transportation investment package this session. An outline of the proposed package will be released this Tuesday, February 8. There will be a hearing on Thursday, February 10, tentatively scheduled for 8:00 – 10am. As previously reported, local governments are unlikely to receive grant or project funding in this "mini" package due to gas tax revenue constraints. There may be spending on multimodal or non-motorized projects using Climate Commitment Act dollars.

##### Clarifying Police Reform Proposals

The legislature continues to grapple with the best policies to address the unintended consequences from the passage of multiple police reform bills last session. Several bills will continue to be considered following the first two legislative cutoffs:

- **Use of Bean Bags:** [House Bill 1719](#), sponsored by Rep. Dan Bronoske (D- Lakewood), clarifies that bean bags can be used as a de-escalation tactic. Last week, the House voted unanimously to advance this bill. The bill has been scheduled for a hearing in the Senate Law and Justice Committee on Thursday, February 8, at 8:30am.
- **Community Caretaking Function:** [House Bill 1735](#), sponsored by Rep. Jesse Johnson (D- Federal Way), also passed out of the House by a vote of 90-5. The bill clarifies that deadly



force may be used in the face of an immediate threat of serious injury against the officer or another individual and that physical force would be allowed under limited circumstances to ensure the safety of officers when taking a person into custody for civil or forensic commitment. It eliminates the broad provision regarding enforcement of a court order and more narrowly authorizes physical force in specific circumstances. It also modifies the provision allowing a peace officer to use physical force to the extent necessary to take a minor into protective custody by removing references to specific statutes. Instead, an officer may do so when "authorized or directed by statute."

- **Use of Force:** Two bills involving use of force advanced passed the committee cutoff deadline. [House Bill 2037](#), sponsored by Rep. Roger Goodman (D- Seattle), provides a statewide definition of use of force: "Physical force" means any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury. The bill states that physical force can be used to protect against a criminal offense when there is probable cause that the person has committed, is committing, or is about to commit an offense, and to prevent a person from fleeing or stop a person who is actively fleeing a lawful temporary investigative detention, provided that the person has been given notice that he or she is being detained. [Senate Bill 5919](#), sponsored by Sen. Kevin Van De Wege (D- Sequim), addresses use of force and vehicular pursuits. At this time, legislators are indicating that House Bill 2037 is likely to advance rather than Senate Bill 5919.
- **Vehicular Pursuits:** [House Bill 1788](#), sponsored by Rep. Eric Robertson (R- Sumner), as amended, would allow officers to engage in vehicular pursuit when there is reasonable suspicion that the person in the vehicle has committed or will commit a violent offense, driving under the influence, the person poses an imminent threat or the safety of others, and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances.

Multiple proposals are no longer being considered after the first legislative cutoff this week, including:

- **Civil Liability for Police Misconduct:** [House Bill 1202](#), sponsored by Rep. My-Linh Thai (D- Bellevue) would have created a new state civil cause of action for police misconduct.
- **Independent Prosecutions:** [House Bill 1507](#), sponsored by Rep. Debra Entenman (D- Covington), would have established independent prosecutorial authority to align with the Office of Independent Investigations.
- **Use of Force:** [House Bill 1726](#), sponsored by Rep. Roger Goodman (D- Seattle) was an alternative proposal on use of force that was abandoned in favor of House Bill 2037.

#### Emergency Shelter Mandate - Senate Bill 5867

[Senate Bill 5867](#), sponsored by Sen. Phil Fortunato (R- Auburn), mandates a variety of actions around emergency sheltering. WSAC and County staff have flagged this bill as a significant unfunded mandate. We signed the County in opposition at the hearing on Saturday, February 5, in Ways and Means. The bill is scheduled to move out of Committee on Monday, February 7.

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GTHGA is monitoring the following priority items on your behalf. We will provide updates on these items as legislative action occurs. We will continue to be in contact with you on legislative action relevant to these items.

- Senate Bill 5122 – Juvenile Detention
- Defend Shared Revenue and Preserve Funding for Critical County Programs
- Invest in the Washington State Housing Trust Fund

In addition to these items, GTHGA will be monitoring policy proposals included on Skagit County's 2022 Policy Document. We will report relevant legislative action on these items as it occurs and will remain in communication with the County on possibilities for Commissioner or staff involvement.

## Upcoming Events

### Appropriations (House) - Virtual - 2/7 @ 10:00am

[HB 1799](#) - Public Hearing - Concerning organic materials management. (Remote testimony.)

[HB 1799](#) - Exec Session - Concerning organic materials management.

[HB 1866](#) - Exec Session - Assisting persons receiving community support services through medical assistance programs to receive supportive housing. (Support)

### Ways & Means (Senate) - Virtual - 2/7 @ 10:00am

[SSB 5597](#) - Exec Session - Concerning the Washington voting rights act.

[SSB 5663](#) - Exec Session - Establishing streamlined procedures for compliance with the State v. Blake decision in order to improve criminal justice system coordination, create efficiencies, and reduce costs.

[SSB 5722](#) - Exec Session - Reducing greenhouse gas emissions in buildings.

[SSB 5867](#) - Exec Session - Concerning compassionate and effective strategies to address the homelessness crisis. (Oppose)

[SSB 5885](#) - Exec Session - Concerning marine shoreline habitat.

## Bill Summaries

We will be providing an updated bill list following the fiscal committee cutoff on Monday, February 7, detailing the status of both "dead" and "alive" bills.